

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:06cv20**

**STATE OF NORTH CAROLINA,** )  
**ex rel. Roy Cooper, Attorney** )  
**General,** )  
 )  
**Plaintiff,** )  
 )  
**vs.** )  
 )  
**TENNESSEE VALLEY** )  
**AUTHORITY,** )  
 )  
**Defendant.** )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on remand by the United States Fourth Circuit Court of Appeals, wherein it reversed the Judgment of Judge Lacy H. Thornburg granting injunctive relief to the Plaintiff and remanded this case with directions to dismiss the action. North Carolina, ex rel. Cooper v. Tennessee Valley Auth., -- F.3d --, 2010 WL 2891572 (4<sup>th</sup> Cir. Jul. 26, 2010).<sup>1</sup>

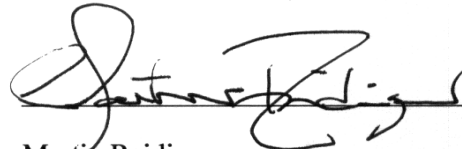
In accordance with the instructions of the Fourth Circuit Court of Appeals, **IT IS, THEREFORE, ORDERED** that this action is hereby **DISMISSED WITH PREJUDICE**.

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<sup>1</sup>Upon Judge Thornburg's retirement, this matter was reassigned to the undersigned.

**IT IS SO ORDERED.**

Signed: October 1, 2010

  
Martin Reidinger  
United States District Judge

